IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
v.	:	**CRIMINAL NO: 15-432**
DOUGLAS S. RAE	:	

UNITED STATES' MOTION FOR
JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through its attorneys, Louis D. Lappen, Acting United States Attorney for the Eastern District of Pennsylvania, and Denise S. Wolf, Assistant United States Attorney, respectfully requests entry of a judgment and preliminary order of forfeiture, and in support of this motion, the United States submits the following:

1. On September 17, 2015, the defendant was charged by Indictment with mail fraud, in violation of 18 U.S.C. §1341, as charged in Counts One through Seven; wire fraud, in violation of 18 U.S.C. §1343, as charged in Counts Eight through Thirty-Two; and money laundering, in violation of 18 U.S.C. § 1957, as charged in Counts Thirty-Three through Thirty-Five.

2. The first Notice of Forfeiture in the Indictment, as well as the subsequently filed Bills of Particular, alleges that the defendant's interest in certain property was proceeds of the mail and or wire fraud and was forfeitable as a result of the offenses charged in Counts One through Thirty-Two of the Indictment.

3. On September 12, 2016, the defendant pleaded guilty to the following counts of the Indictment: Counts One, Three, and Six, in violation of 18 U.S.C. §1341 (mail fraud); Counts Twelve, Fifteen, and Twenty-Six, in violation of 18 U.S.C. §1343 (wire fraud); and Count

Thirty-Three, in violation of 18 U.S.C. §1957 (money laundering).

4. As a result of his guilty plea to Counts One, Three, Six, Twelve, Fifteen, and Twenty-Six, the defendant is required, and has agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to criminally forfeit his interest in any property, real or personal, constituting or derived from any proceeds that is traceable to such violation of mail fraud and or wire fraud.

5. Based on the defendant's guilty plea and the Government's Change of Plea Memorandum, the government submits that the following specific property is subject to forfeiture as a result of the defendant's guilty plea to the illegal acts alleged in Counts One, Three, Six, Twelve, Fifteen, and Twenty-Six, and that the government has established the requisite nexus between such property and such offense:

a. The sum of $1.8 million (Forfeiture Money Judgment);
b. The value of $188,000 against the real property located at 3689 Fire Lane, Bethlehem, PA 18015;
c. Funds up to the amount of $130,415.11 in Scottrade Inc. account number 68586688.

6. The government seeks an order forfeiting defendant's interest in property subject to forfeiture, as described in paragraph 4 above, including the entry of a personal forfeiture money judgment against defendant in the amount of $1.8 million in favor of the United States. See United States v. Vampire Nation, 451 F.3d 189, 202-202 (3rd Cir. 2006) (an in personam forfeiture money judgment may be entered against the defendant for the full amount of the criminal proceeds); United States v. Voigt, 89 F.3d 1050, 1084, 1088 (3rd Cir. 1996) (government entitled to personal money judgment against defendant equal to amount of funds forfeitable). Any property of the defendant located and forfeited to the government shall, after any third-party claims to the property have been resolved, reduce the money judgment.

7. For the reasons stated above, the government requests that this Court enter the attached Judgment and Preliminary Order of Forfeiture, forfeiting the defendant's interest in the property subject to forfeiture, as described in paragraph five (5). The government requests that this preliminary order of forfeiture be entered immediately so that the government can begin the process of giving notice to determine if there will be any third-party claimants to this property.

8. The government requests authority to conduct discovery, undertake publication of the forfeiture order, and notify potential third-party claimants, pursuant to Fed. R. Crim. P. 32.2(b)(3) and (c)(1)(B) and 21 U.S.C. § 853.

9. The government further requests that it be permitted, in its discretion, to serve the Judgment and Preliminary Order of Forfeiture directly on the defendant, and on any person known to have an interest in the forfeited property, in addition to service upon their attorneys, if they are represented.

For the reasons state above, the Government respectfully requests that this Court enter the attached Order.

Respectfully submitted,

LOUIS D. LAPPEN
Acting United States Attorney

/s/ Denise Wolf
DENISE S. WOLF
Assistant United States Attorney

Dated: January 27, 2017

CERTIFICATE OF SERVICE

The foregoing Motion for Judgment and Preliminary Order of Forfeiture, and proposed Order will be filed electronically through the District Court Electronic Case System and served by mail upon:

John J. Griffin, Esq.
Law Office of John J. Griffin
155 Gaither Drive, Suite B
Mt. Laurel, NJ 08054

/s/ Denise Wolf
DENISE S. WOLF
Assistant United States Attorney

DATE: January 27, 2017

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UNITED STATES OF AMERICA	:	
v.	:	**CRIMINAL NO: 15-432**
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JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED THAT:

1. As a result of his guilty plea to Counts One, Three, Six, Twelve, Fifteen, and Twenty-Six of the Indictment, the defendant is required, and has agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to criminally forfeit his interest in any property, real or personal, constituting or derived from any proceeds that is traceable to such violation of mail fraud and or wire fraud.

2. The Court has determined, based on the defendant's guilty plea as well as the Government's Change of Plea memorandum, that the following specific property is subject to forfeiture as a result of the defendant's guilty plea to Counts One, Three, Six, Twelve, Fifteen, and Twenty-Six of the Indictment:

a. **The sum of $1.8 million (Forfeiture Money Judgment);**
b. **The value of $188,000 against the real property located at 3689 Fire Lane, Bethlehem, PA 18015;**
c. **Funds up to the amount of $130,415.11 in Scottrade Inc. account number 68586688.**

3. The Court further orders, as a result of the offenses in Counts One, Three, Six, Twelve, Fifteen, and Twenty-Six of the Indictment, for which the defendant entered a plea of

guilty, a money judgment in the amount of $1.8 million be entered against the defendant as the amount of the property, real or personal, constituting or derived from any proceeds that is traceable to such violation of mail fraud and or wire fraud. See United States v. Voigt, 89 F.3d 1050, 1084, 1088 (3d Cir. 1996) (government entitled to personal judgment against defendant equal to amount of funds forfeitable).

4. Upon the entry of this Order, the United States is authorized to seize the property described in paragraph two (2), and to conduct any discovery necessary to identify, locate and dispose of the property subject to forfeiture, in accordance with Fed.R.Crim.P. 32.2(b)(3).

5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall put notice on an official internet government forfeiture site for thirty (30) consecutive days, notice of the government's intent to dispose of the subject property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the property subject to this Order must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the subject property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim, and the relief sought.

6. The United States shall also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the property that is subject to the Judgment and Preliminary Order of Forfeiture, and to their attorney, if they are represented, as a

substitute for published notice as to those persons so notified.

7. The government may serve any potential claimant who resides outside of the United States by private commercial package delivery service to his or her last known address.

8. Any person, other than the defendant, asserting a legal interest in the subject property may, within thirty (30) days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his/her alleged interest in the subject property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6).

9. Pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and must be made part of the sentence and included in the judgment. See United States v. Bennett, 423 F.3d. 271 (3d Cir. 2005)(to be effective, a forfeiture order must be included in sentence and judgment).

10. After the disposition of any petition filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rule of Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

11. The United States shall have clear title to the subject property following the Court's disposition of all third-party interests.

12. The Court shall retain jurisdiction to enforce this Order and to amend it, as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

13. In its discretion, the United States is authorized to serve a copy of this Order directly upon the defendant.

14. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Judgment and Preliminary Order of Forfeiture to the United States Marshal Service, the Federal Bureau of Investigation, and to counsel for the parties.

ORDERED this day of January, 2017.

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HONORABLE GENE E.K. PRATTER
Judge, United States District Court